IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15526 of 2004

Between:

Adari Nookaraju S/o Appalanaidu,
R/o Moolapeta Village, Hamlet of Thotada, Munagapaka Mandal, Visakhapatnam District

... PETITIONER

AND

The Mandal Revenue Officer, Munagapaka Mandal,
Visakhapatnam District

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, in the nature of Mandamus, declaring the inaction on the part of the respondent in not disposing of the petition filed by the petitioner on 18-8-2004 for issuance of D. Form patta in respect of Ac. 0.80 cents of Hill poramboke, in Sy. No. 79 of Moolapeta Village, within the Gram Panchayat limits of Patipalli Gram Panchayat, is illegal, unjust, arbitrary and violative of Article 14 of the Constitution of India.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following Order:

ORDER:

Petitioner claiming to be in occupation of Ac.0.80 cents of Hill Poramboke situated in Sy.No.79 of Patipalli gram Panchayat for over 20 years made an application to the respondent on 18-08-2004 requesting to grant D.Form Patta in respect of lands in his occupation. Even, the acknowledgement that is filed along with the Writ Petition shows that the said representation which was received by the respondent on 20-08-2004 and without giving any breathing time, the petitioner hastily approached this Court complaining that the respondent did not pass any orders and did not take any action on the said representation.

In view of the same, it cannot be said that respondent failed in his duty in disposal of the said representation of the petitioner, warranting issuance of Mandamus by this Court as prayed for. Under these circumstances, no direction can be issued not to dispossess the petitioner from the land. However the respondent is directed to consider the representation so made by the petitioner and pass appropriate orders after due enquiry into the same.

The Writ Petition is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

August 31, 2004

NOTE:

Furnish copy in two days

(B/O)

MRR/MURTHY

To:

1. The Mandal Revenue Officer, Munagapaka Mandal,

Visakhapatnam District

2. Two C.C.s to the G.P for Revenue, High Court

Buildings, Hyderabad (OUT).

3. Two C.D. Copies.